

Dec. 14. 2009- 9:35AM

No. 9762 P. 5

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY

CHARGE NUMBER

DALLAS DISTRICT OFFICE
EEOC

450-200-00253

TEXAS WORKFORCE COMMISSION - CIVIL RIGHTS DIVISION

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Mr. Michael J. Norton

TELEPHONE NUMBER (Include Area Code)
903.885.1327

STREET ADDRESS

CITY, STATE AND ZIP CODE

520 Davis Street, North

Sulphur Springs, TX 75482

DATE OF BIRTH

01.11.48

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Assisted Living Concepts, Inc.

NUMBER OF EMPLOYEES, MEMBERS

500+ nationwide

TELEPHONE (Include Area Code)

903.439.1202

STREET ADDRESS

CITY, STATE AND ZIP CODE

890 Camp Street

Sulphur Springs, TX 75482

COUNTY

Hopkins

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☐

AGE

☐

RETALIATION

☐NATIONAL
ORIGIN☒

DISABILITY

☐

OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA)

08.05.09

LATEST (ALL)

08.05.09

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I suffer from renal cancer. My cancer obviously substantially limits a number of major life activities like lifting and major bodily functions like urinating. I underwent surgery for renal cancer on May 22, 2009. I asked my employer for time off before this, and I expressly used the words "renal cancer" when asking the company for time off. The company gave me permission to take time off for this purpose, and I returned to work after my cancer surgery on July 1, 2009.

On August 4, 2009, I asked the company to take August 14 off in order to undergo surgery for a hernia. The company did not say yes or no to this. Instead, on the following day, i.e., August 5, 2009, Assisted Living Concepts fired me. The company did this by letter dated August 5, 2009, and my discharge took effect that same day. The letter gave no reason; however, Ms. Cindy Giles, Regional Director of Sales and Marketing, verbally stated to me that the company was firing me because she said I was "unable to do whatever was necessary to move census forward."

I believe that Assisted Living Concepts, Inc., my former employer, discriminated against me by firing me because I am actually disabled and because the company regarded me as disabled, both in violation of the Americans With Disabilities Act ("ADA"), including as amended by the ADA Amendments Act of 2008 ("ADAAA"), as well as Chapter 21 of the Texas Labor Code.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedure.

I declare under penalty of perjury that the foregoing is true and correct.

10/13/09 Michael Norton

Date

Charging Party (Signature)

NOTARY (Where necessary for State and Local Requirements)

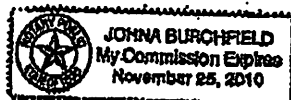
Johna Burchfield
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Michael Norton
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

13. October, 2009

EEOC FORM 5 (10/94)



ALC 0075